

Remarks

Claims 1-20 are pending in the subject application. Applicants gratefully acknowledge the Examiner's withdrawal of the rejections under 35 USC §112, second paragraph, and 35 USC §102(b). By this Amendment, Applicants have amended claims 1, 4, and 15, canceled claims 18 and 19, and added new claims 21-25. Support for the new claims can be found in the claims as originally filed and throughout the subject specification including, for example, at page 7, lines 17-20. Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 1-17 and 20-25 are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

Applicants note that the Examiner has withdrawn claims 3-7, 10-14, and 18-20 from further consideration on the grounds that no generic claim has been found to be allowable and, therefore, these claims are drawn to nonelected species. However, as is discussed in more detail below, Applicants respectfully request that claims 3-7, 10-14, and 20 be rejoined in the subject application. Applicants note that claims 3-5 are subgeneric to claim 2 (which is not withdrawn) and depend from claim 2. The species elected by Applicants' Election dated August 25, 2005 has R<sup>1</sup> as a phenyl group, the same as is recited for R<sup>1</sup> in claim 4. Thus, claims 3-5 should not be considered withdrawn and should be examined in the subject application. In addition, Applicants respectfully submit that if generic claim 1 is found to be allowable, then subgeneric claims 3-7, 10-14, and 20-25 should also be rejoined and held allowable. In addition, Applicants also respectfully request that method claims 10-14, which are limited to the use of the peptidomimetic of amended claim 1, be rejoined in the subject application in accordance with MPEP §821.04.

Applicants respectfully maintain that the amendments to the claims submitted in their Amendment dated December 20, 2005 did not necessitate the new grounds of rejection presented in the February 22, 2006 Office Action. Claims 1 and 15 as filed in the subject application and that were pending at the time of the previous Office Action (dated September 21, 2005) and that were pending following Applicants' Amendment dated December 20, 2005 (submitted in response to the September 21 Office Action) recited R<sup>1</sup> could be alkyl (optionally substituted) as one of the possible substituents. Thus, the alkyl substituent of R<sup>1</sup> was already before the examiner and, therefore, the rejections set forth in the instant Office Action could have been made at the time of the initial Office

Action dated September 21, 2005. No amendments to the claims were made to add alkyl as an R<sup>1</sup> substituent. Thus, Applicants' amendment did not necessitate the new rejections since no amendment was made.

Claims 1, 15, and 16 are rejected under 35 USC §102(b) as anticipated by Gani *et al.* (WO 98/12201). In addition, claims 1 and 9 are rejected under 35 USC §103(a) as obvious over Gani *et al.* (WO 98/12201). The Examiner asserts that the Gani *et al.* publication teaches a compound of formula R<sup>1</sup>Y<sup>\*</sup>L where R<sup>1</sup> is an alkyl substituted with an amine, Y<sup>\*</sup> is phosphorylated tyrosine, and L is leucine. Applicants respectfully assert that the Gani *et al.* publication does not teach or suggest Applicants' claimed invention. However, in a sincere effort to expedite prosecution of the subject application to completion, Applicants have amended claims 1 and 15 to delete alkyl as an R<sup>1</sup> substituent. Applicants respectfully assert that the Gani *et al.* publication does not teach or suggest a compound where R<sup>1</sup> is any of the substituents set forth in amended claims 1 and 15 of the subject application. In view of the amendments to claims 1 and 15, Applicants respectfully assert that dependent claims 9 and 16 are not anticipated by or obvious over the cited references. Accordingly, reconsideration and withdrawal of the rejections under §§102(b) and 103(a) is respectfully requested.

Applicants respectfully assert that the amendments presented herein place generic claims 1 and 15 in condition for allowance. Applicants respectfully request that the Examiner's withdrawal of claims 3-7, 10-14, and 20 as drawn to a non-elected invention be removed and the claims rejoined in the subject application.

It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position.

In view of the foregoing remarks and amendments to the claims, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



Doran R. Pace  
Patent Attorney  
Registration No. 38,261  
Phone No.: 352-375-8100  
Fax No.: 352-372-5800  
Address: P.O. Box 142950  
Gainesville, FL 32614-2950

DRP/kmm